

REMARKS

Applicant respectfully requests reconsideration and allowance of the subject application. Claims 1-20 are pending, of which claims 1, 19, and 20 have been amended. Support for the claim amendments can be found at least at page 3, paragraphs 11-12; page 4, paragraph 16; and at Figs. 1 and 4 of the Application as-filed.

35 U.S.C. §102 Claim Rejections

Claims 1-7, 16, and 18-20 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,568,708 to Kassardjian et al. (hereinafter “Kassardjian”) (*Office Action* p.2). The Applicant respectfully traverses these rejections.

Claims 1-9, 11-15, and 18-20 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,147,829 to Daniels (hereinafter “Daniels”) (*Office Action* p.3). The Applicant respectfully traverses these rejections.

Solely to advance the prosecution of this application, and without conceding the propriety of the stated rejections, the Applicant has amended independent claim 1 to clarify further aspects of the ground rod cap. Support for the amendments to claim 1 can be found at least at page 1, paragraph 1; page 4, paragraph 16; and at Figs. 1 and 4 of the application as-filed.

1 Independent claim 1 recites a ground rod cap, comprising:

2 a crown portion configured to receive a ground rod
3 which can be used to establish a reference voltage, and to
4 deflect a falling object away from the ground rod; and
5 a support portion connected to the crown portion, the
support portion configured to cover a ground rod clamp
which can be attached to the ground rod.

6
7 The Office cites to Kassardjian as disclosing each of the elements
8 recited in claim 1 (*Office Action* pp. 2-3). However, Kassardjian does not
9 show or disclose each of the recited elements. For example, Kassardjian
10 does not show or disclose a ground rod cap including “a crown portion
11 configured to receive a ground rod which can be used to establish a
12 reference voltage”, as recited in claim 1. Instead, Kassardjian describes a
13 protective covering for an end of a concrete reinforcing bar (i.e. Re-Bar)
14 which is adapted to prevent injuries to an individual who comes into
15 contact with the end of the concrete reinforcing bar (*Kassardjian Abstract*,
16 Claims, and Figs. 1 and 7). The protective covering of Kassardjian
17 includes a metal seat (6) and inwardly extending off-center flexible fins (7)
18 which facilitate installation of the protective cover on various sizes of
19 reinforcing bars (*Kassardjian Abstract*, Col.2 lns.61-67, Col.4 lns.7-12, and
20 Figs. 1 and 7). Although Kassardjian describes a protective covering for
21 the end of a concrete reinforcing bar, Kassardjian says nothing about a
22 “ground rod cap, comprising: a crown portion configured to receive a
23 ground rod which can be used to establish a reference voltage...”, as recited
24 in claim 1.
25

1 Further, Kassardjian does not show or disclose a crown portion
2 which is configured to “deflect a falling object away from the ground rod”,
3 as recited in claim 1. Kassardjian says nothing about “a crown portion
4 configured to ... deflect a falling object away from the ground rod”, as
5 recited in claim 1.

6 Still further, Kassardjian does not show or disclose a ground rod cap
7 including “a support portion connected to the crown portion, the support
8 portion configured to cover a ground rod clamp which can be attached to
9 the ground rod”, as recited in claim 1. Kassardjian says nothing about a
10 “support portion configured to cover a ground rod clamp which can be
11 attached to the ground rod”, as recited in claim 1.

12 Accordingly, claim 1 is allowable over Kassardjian for at least these
13 reasons and Applicant requests that the §102 rejection be withdrawn.

14 The Office cites to Daniels as disclosing each of the elements recited
15 in claim 1 (*Office Action* p.3). However, Daniels does not show or disclose
16 each of the recited elements. For example, Daniels does not show or
17 disclose a ground rod cap including “a support portion connected to the
18 crown portion, the support portion configured to cover a ground rod clamp
19 which can be attached to the ground rod”, as recited in claim 1. Instead,
20 Daniels describes a driving tool for driving soft-metal grounding rods into
21 the ground (*Daniels* Ins. 7-10). The tool described in Daniels is simply
22 used for driving a rod into the ground, and Daniels says nothing about a
23 “support portion configured to cover a ground rod clamp which can be
24 attached to the ground rod”, as recited in claim 1.

1 Further, Daniels does not show or disclose a crown portion which is
2 configured to “deflect a falling object away from the ground rod”, as recited
3 in claim 1. If anything, the driving tool of Daniels directs impacts from an
4 object (e.g., hammer) to the ground rod, so that the ground rod can be
5 driven into the earth, and does not deflect the hammer away from the
6 ground rod.

7 Accordingly, claim 1 is allowable over Daniels for at least these
8 reasons and Applicant requests that the §102 rejection be withdrawn.
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10 Claims 2-7, 16, and 18 are allowable over Kassardjian by virtue of
11 their dependency upon claim 1. Additionally, some or all of claims 2-7, 16,
12 and 18 may be allowable over Kassardjian for independent reasons.
13

14 Claims 2-9, 11-15, and 18 are allowable over Daniels by virtue of
15 their dependency upon claim 1. Additionally, some or all of claims 2-9, 11-
16 15, and 18 may be allowable over Daniels for independent reasons.
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18 Solely to advance the prosecution of this application, and without
19 conceding the propriety of the stated rejections, the Applicant has amended
20 independent claim 19 to clarify further aspects of the ground rod cap.
21 Support for the amendments to claim 19 can be found at least at page 1,
22 paragraph 1; page 3 paragraph 11 to page 4 paragraph 16; and at Figs. 1 and
23 4 of the application as-filed.
24

Independent claim 19 recites a ground rod cap, comprising:

- 1 a closed end;
- 2 an open end opposite the closed end;
- 3 an outer surface;
- 4 an inner surface; and
- 5 a ground rod receptacle within the ground rod cap which
- 6 protrudes towards the open end of the ground rod cap and is defined
- 7 by the inner surface of the ground rod cap, the ground rod receptacle
- 8 defining a central cavity within the ground rod receptacle to receive
- 9 a ground rod, the ground rod receptacle further defining curved side
- 10 surfaces which are surrounded by a cylindrical void within the
- 11 ground rod cap.

The Office cites to Kassardjian as disclosing each of the elements recited in claim 19 (*Office Action* pp. 2-3). However, Kassardjian does not show or disclose each of the recited elements. For example, Kassardjian does not show or disclose a ground rod cap which includes “a ground rod receptacle within the ground rod cap which protrudes towards the open end of the ground rod cap and is defined by the inner surface of the ground rod cap, the ground rod receptacle defining a central cavity within the ground rod receptacle to receive a ground rod, the ground rod receptacle further defining curved side surfaces which are surrounded by a cylindrical void within the ground rod cap” as recited in claim 19. As best shown in Fig. 5 of Kassardjian, the protective covering of Kassardjian includes a collar (3) for receiving the end of the concrete reinforcing bar. Inside of the collar (3) are inwardly extending off-center flexible fins (7) which facilitate installation of the protective cover on various sizes of reinforcing bars, and outside of the collar (3) are reinforcing ribs (10) which connect the collar (3) to the cap (4) (*Kassardjian* Col.2 lns.61-67, and Figs. 5 and 7). As

such, the area surrounding the collar (3) is divided into sections by a number of reinforcing ribs (10). The area surrounding collar (3) which is divided by the reinforcing ribs (10) is clearly not a cylindrical void. Kassardjian says nothing about a protruding ground rod receptacle which is defined by the inner surface of the ground rod cap and which defines curved side surfaces which are surrounded by a cylindrical void within the ground rod cap, as recited in claim 19.

Accordingly, claim 19 is allowable over Kassardjian for at least these reasons and Applicant requests that the §102 rejection be withdrawn.

The Office cites to Daniels as disclosing each of the elements recited in claim 19 (*Office Action* pp. 3-4). However, Daniels does not show or disclose each of the recited elements. For example, Daniels does not show or disclose a ground rod cap which includes "a ground rod receptacle within the ground rod cap which protrudes towards the open end of the ground rod cap and is defined by the inner surface of the ground rod cap, the ground rod receptacle defining a central cavity formed within the ground rod receptacle to receive a ground rod, the ground rod receptacle further defining curved side surfaces which are surrounded by a cylindrical void within the ground rod cap" as recited in claim 19. As best shown in Fig. 3, the driving tool of Daniels includes sockets (14, 15) which receive the grounding rod while the rod is driven into the earth. However, Daniels says nothing about a ground rod receptacle which protrudes towards the open end of the ground rod cap and defines curved side surfaces which are

surrounded by a cylindrical void within the ground rod cap, as recited in claim 19.

Accordingly, claim 19 is allowable over Daniels for at least these reasons and Applicant requests that the §102 rejection be withdrawn.

Solely to advance the prosecution of this application, and without conceding the propriety of the stated rejections, the Applicant has amended independent claim 20 to clarify further aspects of the ground rod cap. Support for the amendments to claim 20 can be found at least at page 1, paragraph 1; page 3, paragraph 11 to page 4 paragraph 16; and at Figs. 1 and 4 of the application as-filed.

Independent claim 20 recites a ground rod cap, comprising:

a crown portion including:

an outer surface which is curved to define a dome having a closed first end and an open second end; an inner surface;

a ground rod receptacle which protrudes towards the open second end of the crown portion and is defined by the inner surface of the crown portion, the ground rod receptacle defining a central cavity within the ground rod receptacle to receive a ground rod, the ground rod receptacle further defining curved side surfaces which are surrounded by a cylindrical void within the crown portion, wherein the cylindrical void facilitates deformation of the dome when an object strikes the ground rod cap to deflect the object away from the ground rod; and

a support portion including a cylindrical wall connected to and extending from the open second end of the crown portion to define a hollow cylindrical opening configured to cover a ground rod clamp for attaching a ground wire to the ground rod.

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2 The Office cites to Kassardjian as disclosing each of the elements
3 recited in claim 20 (*Office Action* pp. 2-3). However, as described above in
4 response to the rejection of claim 19, Kassardjian does not show or disclose
5 “a ground rod receptacle which protrudes towards the open second end of
6 the crown portion and is defined by the inner surface of the crown portion,
7 the ground rod receptacle defining a central cavity within the ground rod
8 receptacle to receive a ground rod, the ground rod receptacle further
9 defining curved side surfaces which are surrounded by a cylindrical void
10 within the crown portion”, as recited in claim 20.

11 Further, as Kassardjian does not show or disclose the cylindrical
12 void as recited in claim 20, Kassardjian clearly cannot show or disclose that
13 “the cylindrical void facilitates deformation of the dome when an object
14 strikes the ground rod cap to deflect the object away from the ground rod”,
15 as recited in claim 20.

16 Still further, Kassardjian does not show or disclose “a support
17 portion including a cylindrical wall connected to and extending from the
18 open second end of the crown portion to define a hollow cylindrical
19 opening configured to cover a ground rod clamp for attaching a ground
20 wire to the ground rod”, as recited in claim 20.

21 Accordingly, claim 20 is allowable over Kassardjian for at least
22 these reasons and Applicant requests that the §102 rejection be withdrawn.

23 The Office cites to Daniels as disclosing each of the elements recited
24 in claim 20 (*Office Action* pp. 3-4). However, as described above in
25

1 response to the rejection of claim 19, Daniels does not show or disclose "a
2 ground rod receptacle which protrudes towards the open second end of the
3 crown portion and is defined by the inner surface of the crown portion, the
4 ground rod receptacle defining a central cavity within the ground rod
5 receptacle to receive a ground rod, the ground rod receptacle further
6 defining curved side surfaces which are surrounded by a cylindrical void
7 within the crown portion", as recited in claim 20.

8 Further, as Daniels does not show or disclose the cylindrical void as
9 recited in claim 20, Daniels clearly cannot show or disclose that "the
10 cylindrical void facilitates deformation of the dome when an object strikes
11 the ground rod cap to deflect the object away from the ground rod", as
12 recited in claim 20..

13 Still further, Daniels does not show or disclose "a support portion
14 including a cylindrical wall connected to and extending from the open
15 second end of the crown portion to define a hollow cylindrical opening
16 configured to cover a ground rod clamp for attaching a ground wire to the
17 ground rod". Even assuming that the tool of Daniels may be used for
18 driving a rod into the earth, it does not disclose at least the above features
19 recited in claim 20.

20 Accordingly, claim 20 is allowable over Daniels for at least these
21 reasons and Applicant requests that the §102 rejection be withdrawn.
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1 **35 U.S.C. §103 Claim Rejections**

2 Claims 8-15 are rejected under 35 U.S.C. §103(a) for obviousness
3 over Kassardjian in view of U.S. Patent No. 6,978,803 to Brown et al.
4 (hereinafter “Brown”) (*Office Action* p.4). The Applicant respectfully
5 traverses these rejections.

6 Claim 17 is rejected under 35 U.S.C. §103(a) for obviousness over
7 Kassardjian (*Office Action* p.5). The Applicant respectfully traverses this
8 rejection.

9
10 **Claims 8-15 and 17** are now discussed. Each of the claims rejected
11 under §103 are dependent claims that ultimately depend from independent
12 claims 1. It is axiomatic that any dependent claim which depends from an
13 allowable base claim is also allowable, and therefore the dependent claims
14 rejected under §103 should be allowable for at least the reasons discussed
15 above in response to the §102 rejections of the independent claims, as well
16 as for their own recited features which are neither shown nor supported by
17 the cited art. Further, Brown does not cure the deficiencies described above
18 with respect to the 35 U.S.C. §102 rejections of the independent claim 1.

19 Additionally, independent claim 1 has not been rejected under 35
20 U.S.C. §103 for obviousness, and is therefore nonobvious under 35 U.S.C.
21 §103. As stated in section 2143.03 of the MPEP, “[i]f an independent
22 claim is nonobvious under 35 U.S.C. §103, then any claim depending
23 therefrom is nonobvious.”

1 In accordance with the above referenced tenet and preceding
2 discussion, all of the claims that depend ultimately from independent claim
3 1 are also nonobvious. Specifically, claims 8-15 and 17 which depend from
4 claim 1 are nonobvious for the reasons stated above.

5 Accordingly, the §103 rejections be withdrawn, and Applicant
6 requests that each of the dependent claims be allowed in the next Action.

7

8 **Conclusion**

9 Pending claims 1-20 are in condition for allowance and Applicant
10 requests reconsideration and issuance of the subject application. If any
11 issues remain that preclude issuance of this application, the Examiner is
12 urged to contact the undersigned attorney before issuing a subsequent
13 Action.

14

15 Respectfully Submitted,

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